

REMARKS

Claims 1-19 are pending in the present Application. Claims 2 and 18 have been canceled, and claims 1, 3, 9, 13, and 14 have been amended, leaving claims 1, 3-17 and 19 for consideration upon entry of the present Amendment.

Claim 1 has been amended to incorporate the limitations of claim 2 and to better define the polymers with pendant epoxy groups as described in paragraph [0026] of the Application as originally filed.

Claim 3 has been amended to modify dependency as required by the cancellation of claim 2.

Claims 9 and 13 have been amended to correct inadvertent typographical errors.

Claim 13 has been amended to better define the polymers with pendant epoxy groups as described in paragraph [0026] of the Application as originally filed.

Claim 14 has been amended to incorporate the limitations of claim 18 and to better define the polymers with pendant epoxy groups as described in paragraph [0026] of the Application as originally filed.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Objections

Claim 13 has been objected to because of the use of two “and”s in the Markush language. Claim 13 has been amended as described above to address this issue. Applicants appreciate the Examiner’s attention to detail in reading the claims.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 9 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner has pointed out the presence of an inappropriate “the” in the phrase “the hindered amine stabilizers. Applicants appreciate the Examiner’s careful reading of the claims and have amended appropriately.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 4, 11, 12, 14, and 19 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,869,572 to van der Meer et al. (hereafter “van der Meer”).

Van der Meer discloses a composition comprising a polyphenylene ether, a polyamide, and an agent to improve impact resistance (Abstract). The agent to improve impact resistance includes copolymers having functional groups such as epoxy groups. The functional groups may be attached, for example, by grafting glycidyl methacrylate on a copolymer or a terpolymer (col. 6, lines 20-67). Van der Meer does not teach a polymer having pendant epoxy groups as instantly claimed. Furthermore, van der Meer does not teach the inclusion of an electrically conductive filler.

To anticipate a claim under 35 U.S.C. § 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Because van der Meer fails to meet this requirement for the amended claims Applicants respectfully assert that claims 1, 4, 11, 12, 14, and 19 are not anticipated.

Claims 1, 4, 6, 7, 11, 12, 14, 15 and 19 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by U.S. Patent No. 5,166,237 to Abe et al. (hereafter “Abe”). Applicants respectfully traverse this rejection.

To anticipate a claim, a reference must disclose each and every element of the claim. *Lewmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 8 and 16 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Abe. Claims 2, 3, 13, and 18 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Abe in view of U.S. Patent No. 5,843,340 to Silvi et al. (hereafter “Silvi”). Claims 5, 9, 10, and 17 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Abe in view of U.S. Patent No. 6,353,050 to Bastiaens et al. (hereafter “Bastiaens”).

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). As discussed above, Abe does not disclose all elements of the pending claims and cannot, by itself, provide adequate basis for a prima facie case of obviousness. Therefore Applicants believe that claims 8 and 16 are non-obvious.

With regard to the rejection of claims 2, 3, 13, and 18 in view of the combination of Abe and Silvi Applicants respectfully note that Silvi has been cited for teaching the use of electrically conductive filler. Silvi does not remedy Abe’s deficiency with regard to the epoxy group structure as discussed above. As the combination of Abe and Silvi does not teach all elements of the pending claims Applicants believe that claims 2, 3, 13, and 18 are non-obvious.

Finally, Applicants believe that the rejection of claims 5, 9, 10, and 17 in view of the combination of Abe and Bastiaens has been overcome by the amendments to the claims. In particular Bastiaens has been cited for its teaching with regard to polyester ionomers, antioxidants, and metal salts. Bastiaens does not remedy the deficiency of Abe with regard to the epoxy structure.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-1131.

Respectfully submitted,

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